

1905-008 Chancery Causes: A. J. Litton vs. Adm. of Jacob Kimberling &c  
Lee Co.

Ball, Small, Hartley, Arey, Hartly

CA-Debt  
T-Property

- Correspondence



To the Hon. H. A. W. Skeen, Judge of the Circuit Court for Lee County, Virginia.

Humbly complaining, your orator, A. J. Litton, would respectfully represent and show unto your honor, that one Jacob Kimberling on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, departed this life in said County, intestate, the owner of a small personal estate, and seized and possessed of a tract of land lying and being in said County on Walden's Creek containing eighty-seven acres, more or less and adjoining the lands of E. F. Young, Dr. Bradley Young, and James M. Durham; that the <sup>personal</sup> estate of the said Jacob Kimberling was, on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ committed to P. M. Ball, sheriff of said county for administration, and the said administrator took charge of the said personal estate, but the same is not sufficient to pay the debts, funeral expenses &c., of the said estate.

Now your orator would further represent and show unto your honor, that the said Jacob Kimberland was at the time of his death indebted to your orator in the sum of \$52.77 by a note under seal, and which bears interest from the 6th day of February, 1888, subject to a credit of \$20.00 paid November 4th, 1890, upon which note your orator afterwards, to-wit, on the 16th day of February, 1905 obtained judgment before H. C. Joslyn, a Justice of the Peace for the said County for the amount of said note, and \$1.00 cost/ subject to said credit. Upon which judgment an execution was issued and placed in the hands of said sheriff for collection, and returned with this written endorsement thereon " No property or effects found. April 1st, 1905? P. M. Ball, S.L.C." The said judgment which has been docketed in the lien docket in the clerk's office of said County, and the execution issued thereon are herewith filed as part hereof marked "A", and no part of the same has ever been paid either by the said Kimberling in his life time, or by the said Ball as administrator since his qualification as such, but the amount thereof subject to said credit remains due and owing to your orator. And your orator is advised that there are other debts against said



decedent unpaid, and he files this bill on behalf of himself and all other creditors who will come into this suit and contribute to the cost of the same.

Your orator will further represent and show unto your honor that the said Jacob Kimberling bought the said land from one William J/ Cullum and wife, and that they conveyed the same to the said Kimberling by proper deed, but the said Kimberling from some cause has never had said deed recorded in the clerk's office, and your orator is advised, and therefore alleges that the said deed is in the possession of Ellen Kimberling the widow of the said Jacob Kimberling. *or G. W. H.*

*Kimberling,* Now, the object of this suit is, to have the indebtedness of the said estate ascertained by a commissioner, and the account of the said administrator settled, and the assets in his hands for the payment of the debts ascertained, and if necessary to subject the said real estate to the payment of the said debts should the personal estate be insufficient, and to accomplish that purpose your orator asks that the said Ellen Kimberling *or G. W. H. Kimberling whichever has it* be compelled to file the said deed among the papers of this cause so that the same can be recorded, and the rights of the creditors of the said estate protected. To this end he makes the said Ellen Kimberling, widow as aforesaid, and the following children and heirs at law of the said Jacob Kimberling, to-wit, Hiram H. Kimberling, G. W. H. Kimberling, John E. Kimberling, Morgan Kimberling, Anna Small, nee Kimberling, W. P. Kimberling, Peter Kimberling, Mary Hartly, nee Kimberling, Addie Arey nee Kimberling, Minerva Kimberling, and P. M. Ball, administrator of Jacob Kimberling, deceased, ~~made~~ parties defendants to this bill and asks that they be required to answer the same, but they need not do so under oath and asks that that being expressly waived, <sup>an</sup> order of publication be made/ posted and published against the said W. P. Kimberling, Peter Kimberling, Mary Hartly, Addie Arey and Minervia Kimberling, who are non-residents; that the relief above prayed for be granted and all <sup>such</sup> other further and general relief as may be applicable, and to which your orator may be entitled in the premises. And your orator will ever pray &c.

*Ans. Hall. p. 91.*



Clerk Ewing - \$ 6.18  
 atty 15.00  
 Sheriff - 3.50  
 Printer 6.20  
 Tax. 1.50

A. J. Lettaro

clerk - \$ 32.38  
 .40 D.  
 32.78

Bill in Chy.

Ellen Kinderling et al.

1905 1st May Rules

Bill filed Sepa. 14  
 sent as to all home  
 Depts. except Anna  
 Small and D. N. as to  
 them, Continued for  
 O. P. as to non-resi-  
 dents

" 2nd May Rules

D. N. confirmed, A. P.  
 completed & cause set  
 for hearing.



A. J. Litton,

Plaintiff.

vs.

In Chancery

P. M. Ball, admr. of estate of Jacob Kimberling, de'd/

Ellen Kimberling, Hiram H. Kimberling, G.W .H.

Kimberling, John E. Kimberling, Morgan Kimberling,

W. P. Kimberling, Peter Kimberling, Mary, Hartley,

Addie Arey, and Minerva Kimberling.

Defendants.

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This cause came on to be heard upon the bill of the plaintiff and exhibit therewith, the procees duly executed on the home defendants and the order of publication duly made posted and published against the non-resident defendants, and the cause regularly matured at rules and set for hearing by the plaintiff, and was argued by counsel.

On consideration thereof, and no<sup>e</sup> of the said defendants appearing, and it appearing to the court that the matter in controversy has been compromi<sup>s</sup>ed and settled by some of the defendants with the plaintiff, and that it is agreed between the parties that this suit shall be dismissed at the cost of the defendants, it is adjudged order<sup>ed</sup> and decreed that the said bill be and is hereby dismissed, and that the plaintiff recover against the said defendants his cost in this behalf expended, to be paid by P. M. Ball, administrator of Jacob Kimberling, deceased, out of the assets in his hands, should there be anything in his hands that can be applied for that purpose, but should there not be any such assests, then that the said cost be paid by the other defendants. And the cause is stricken from the docket .



A. J. Little

ss Decree

P. M. Ball Shurtab

Entered in C. O. B.  
No. 8 - p. 44. &c.

Enter this Decree.

J. C. W. Shurtab

May 22 1905.



Stickneyville Nov

May Thru 2 1908

Miss Orr & Noell Attorneys

Jonesville Nov

Sir Enclosed I have your m<sup>y</sup>  
check as requested for two dollars  
to pay <sup>on</sup> & costs,, =

Mr J. W. Orr - as I guess you are  
at Jonesville every day - I write  
you what I have done & what I want  
you to do, in the Kinkering suit - Dr  
Kinkering & his Brother came here to day  
& ~~insisted~~ <sup>insisted</sup> so hard on me to stop the  
suit - They ~~pay~~ <sup>pay</sup> me part of my debt & give  
me a bond to pay the debt & all costs to  
this time, & I give them an order to the  
Clerk to stop the suit,, & promised them  
to write you to have it stopped as far as I am  
concerned so - you will please have it  
stopped - I will come down pretty soon  
& pay all costs & pay you your fee  
Yours Truly A J. L. Latham



Letter,



VIRGINIA, LEE COUNTY, TO-WIT:

To The Sheriff or any, Constable of said County:

You are hereby commanded to summon P. M. Ball Adm of Jacob Kimberling dec if to be found in your county, to appear at Jonesville in said county, on the 16<sup>th</sup> day of Feb, 1905, before me or some justice of the peace of said county as may then be there to try this warrant, to answer the claim of A. J. Litton, in debt, to-wit, for the sum of Fifty-two dollars and 77 cents, due by Note. And then and there make return of this warrant. Given under my hand, this 9<sup>th</sup> day of Feb, 1905.

H. C. Joslyn, J. P.

Upon the hearing of the above warrant, judgment is that the plaintiff, A. J. Litton recover of the defendant, P. M. Ball Adm of Jacob Kimberling dec, the sum of Fifty-two dollars and 77 cents, with interest thereon from the 6<sup>th</sup> day of Feb 1888, ~~1900~~, till paid, and \$ 1.00 for his costs. This 16<sup>th</sup> day of Feb, 1905.

H. C. Joslyn, J. P.

VIRGINIA, Lee County, to-wit:

To The Sheriff, Constable of said County:

I command you, in the name of the Commonwealth of Virginia, that of the goods and chattles of P. M. Ball Adm of Jacob Kimberling dec, in your County, you cause to be made the sum of \$ 52.77, with interest thereon from the 6<sup>th</sup> day of Feb 1888, ~~1900~~, till paid, which A. J. Litton has recovered before me in a Warrant in Debt, and also the sum of \$ 1.00, which were adjudged to said A. J. Litton for costs in prosecuting said warrant. Given under my hand the 16<sup>th</sup> day of Feb, 1905.

H. C. Joslyn, J. P.

Hornstead  
wained }

Q Paid  
Nov 4<sup>th</sup> 1890.



A. J. Litton  
vs, } Warrant

P. M. Ball Adm'r of  
Jacob Kimberling & Co.

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Executed by delivering  
a true Copy of the  
within warrant to

P. M. Ball Adm'r.

This Feb 9 - 1905 -

J. M. Sloan  
Deputy for P. M. Ball  
Shriff Lee Co.

A.

Docketed in J.C.  
Book Page 123 & J.C.D.  
Page 81 Feb. 28, 1905.  
No property or effects found.  
April 1st 1905.

Clerk 55 - J



In the Clerk's Office of the Circuit Court of the County of  
Lee

A. J. Litton

Plaintiff

against

Ellen Kimbrell et al

Defendant<sup>s</sup>.

This day

James W. Orr

personally appeared

before me

M. E. Flannery

Deputy Clerk of the said Court,

and being duly sworn, made oath that

H. P. Kimbrell, Peter Kim-

brell, Mary Hartly, Addie Grey and Maudie  
Kimbrell

defendant<sup>s</sup> in the said suit are not resident<sup>s</sup> of the State of Virginia,

Given under my hand as Clerk of the said Court, this 15<sup>th</sup> day of April 1906.

S. P. Ewing, Clerk



*A. J. Litton*

vs.

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AFFIDAVIT FOR ORDER

OF

PUBLICATION.

*Ellen Kinslerling et al*

*Ort & Noel* p. q.



In the Clerk's Office of the Circuit Court of the County of

Lee On the 15th day of April 1905.

A. J. Litter

Plaintiff

Against

Ellen Kimberling et al

In Chancery.

Defendants

The object of this suit is to settle the estate of  
Jacob Kimberling deceased, and ascertain the  
debts against said estate, and if necessary,  
to subject both the personal & real estate of said  
decedent to the payment of said debts.

And an affidavit having been made and filed that the defendants H. P.  
Kimberling, Peter Kimberling, Mary North, and Solie Gray Kimberling  
are not residents of the State of Virginia, it is ordered that they  
do appear here within fifteen days after due publication  
hereof, and do what may be necessary to protect their interests in this  
suit. And it is further ordered that a copy hereof be published once  
a week for four weeks in the Janesville Star,  
and that a copy be posted at the front door of the court house of  
this County as prescribed by law on the first day of the next term of the

~~Court~~.

A copy-----Teste.

Chas & Hark, P.C.

J. H. Ewing

Clerk.



A. J. Litton  
vs } Order of  
Publication.

Ellen Kimbrell et al

Virginia, Lee County, to-wit:  
J. H. Ewing, Clerk of  
The Circuit Court, for the  
County aforesaid, in  
the State of Virginia,  
do certify that I posted  
a true copy of the writ  
in order of publica-  
tion at the front door  
of the Court-house on  
the 13<sup>th</sup> day of April  
1905.

Given under my hand  
this the 13<sup>th</sup> day of Apr-  
1905-

J. H. Ewing, Clerk.



The Commonwealth of Virginia,

To the Sheriff of the County of <sup>Wise</sup> ~~Lee~~, Greeting:

WE COMMAND YOU, That you summon P. M. Ball, Adm. of the estate of Jacob  
Kimberling, deceased, Ellen Kimberling, T. Brown H. Kimberling, G. W. H.  
Kimberling, John E. Kimberling, Morgan Kimberling, Anna Small, nee  
Kimberling, W. P. Kimberling, Peter Kimberling, Mary Hatt, nee Kimberling,  
Addie Gray, nee Kimberling, and Minerva Kimberling,

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on  
the 1st Monday in May, 1905, to answer a bill in chancery exhibited against them  
in our said Court by A. J. Litton.

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the 19th  
day of April, 1905, and 29th year of the Commonwealth.

A Copy, Teste:

H. C. T. Ewing, Clerk.

H. C. T. Ewing, Clerk.



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VS

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SUBPOENA  
IN  
CHANCERY.

-----p. q

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To-----Rules.

-----Court.

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The Commonwealth of Virginia,

*Hill*  
To the Sheriff of the County of ~~Lee~~, Greeting:

WE COMMAND YOU, That you summon

*P. M. Ball, Admin. of the estate of Jacob*  
*Kimberling, deceased, Ellen Kimberling, Francis H. Kimberling, G. W. H.*  
*Kimberling, John E. Kimberling, Morgan Kimberling, Anna Swallow, nee Kimberling*  
*H. P. Kimberling, Peter Kimberling, Mary Hartly, nee Kimberling,*  
*Addie Gray, nee Kimberling and Minerva Kimberling.*

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on  
the *1st* Monday in *May*, 190*5*, to answer a bill in chancery exhibited against *them*

*in our said Court by A. J. Litton*

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *19th*  
day of *April*, 190*5*, and the *29th* year of the Commonwealth.

A Copy, Teste:

*H. C. T. Ewing*, Clerk.

\_\_\_\_\_, Clerk.



A. J. Litton

VS

}

SUBPOENA  
IN  
CHANCERY.

Ellen Kimberling et al.

Ex parte p. q

To 1st May Rules.

Lee Circuit Court.  
1908 -

For  
Anna Small -

Not a party  
not found  
This is the 2nd of 1908  
DR Shepherd, DR



The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

*P. M. Ball, Adm'r. of the estate of Jacob*

*Kimberling, deceased, Ellen Kimberling, Frank A. Kimbuling, G. W. H. Kimberling, John E. Kimberling, Morgan Kimberling, Anna Small, nee Kimbuling, H. P. Kimbuling, Peter Kimberling, Mary Hartley, nee Kimbuling, Addie Arey, nee Kimbuling, & Maudie Kimbuling.*

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on the *1st* Monday in *May*, 190*5*, to answer a bill in chancery exhibited against *them*

*in our said Court by A. J. Little.*

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *13th*

day of *April*, 190*5*, and *29th* year of the Commonwealth.

A Copy, Teste:

*H. C. T. Ewing*, Clerk.

\_\_\_\_\_, Clerk.



A. J. Litton

VS

SUBPOENA  
IN  
CHANCERY.

Ellen Kimberling et al

On & Held p. q

To 1st May Rules.

Lee Circuit Court.  
1905

I have executed the within writ by delivering to Ellen Kimberling, her own & registering, four of Kimberling & Morgan's registering fees, an attested office copy thereof, and on 1st May, Kimberling by her attorney to her rights, over 14 years of age, at this addressible, an attested office copy, and receiving and exhibiting the same to her, he taking a deposit, and on May 1st by accepting legal service of this writ.  
April 20th 1905.  
J. M. Hall, S. C. C.



## Order of Publication

In the Clerk's Office of the Circuit Court  
of the County of Lee, on the 13th day of  
April 1905.

A. J. LITTON, Plaintiff.

vs

ELLEN KIMBERLING, et al Deft's  
In Chancery

The object of this suit is to settle the estate of Jacob Kimberling, deceased, and ascertain the debts against said estate, and if necessary to subject both the personal and real estate of said decedent to the payment of said debts.

And an affidavit having been made and filed that the defendants W. P. Kimberling, Peter Kimberling, Mary Hartley, Addie, Arey and Minerva Kimberling, are not residents of the State of Virginia, it is ordered that they do appear here within fifteen days after due publication hereof, and do what may be necessary to protect their interests in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the Jonesville Star, and that a copy be posted at the front door of the Court house of this county, as prescribed by law.

A copy—Teste:

H. C. T. EWING, Clerk

ORR& NOEL, p. q.



a. J. Litton  
vs { In chancery  
Ellen Kinslock



I, J. C. Boutwell, editor  
of The Jonesville Star, a weekly newspaper  
published in the county of Lee, state of Virginia,  
do hereby certify that the enclosed notice was  
published in said paper once a week for four  
successive weeks, commencing on the 13  
day of April 1906

J. C. Boutwell Editor.

FEE \$ 6.20

PD through J. W. Orr.